

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email address	FOR COURT USE ONLY
<p>NEXUS BANKRUPTCY Benjamin Heston (297798) 3090 Bristol Street #400 Costa Mesa, CA 92626 Tel: 949.312.1377 Fax: 949.288.2054 ben@nexusbk.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtors</p>	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re TODD DIEDRICH, and ASHLEY ESQUIVEL, Debtors.	CASE NO.: 6:23-bk-12440-RB CHAPTER 13 MOTION UNDER LBR 3015-1(n) AND (w) TO MODIFY PLAN OR SUSPEND PLAN PAYMENTS [No Hearing Required]

1. The Debtor hereby moves this court to modify the confirmed Chapter 13 Plan or suspend plan payments, as set forth in detail below.

2. The purpose of this motion is to (**check all that apply**):
 Cure the delinquency.
 Address the expiration of the plan.
 Cure the infeasibility of the plan.
 Modify the amount of the plan payment, the length of the plan and/or the percentage to be paid to unsecured creditors because of a change in financial circumstances.

3. Terms of original confirmed Chapter 13 plan:
The Order Confirming Plan was entered on 10/4/2023.
Plan payment amount(s): \$815 for month 1, \$4,212 for months 2 – 6, \$998 for months 7 – 8, \$4,212 for months 9 – 60.
Length of plan: 60 months.
Percentage paid to Class 5 general unsecured creditors: 100%.

4. There have been 0 previous modification or suspension orders.
Plan payments have been suspended for n/a months and/or the plan has been extended for n/a months.

5. Current plan terms (**complete this section if the confirmed chapter 13 plan has been subject to a previous modification or suspension order**):
Plan payment amount(s): \$____ per month.
Length of plan: ____ months.
Percentage paid to Class 5 general unsecured creditors: ____%.

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

6. Proposed modification:

- Suspend (*indicate number of plan payments*) 6 plan payments.
- Extend the term by (*indicate number of months*) month(s).
- Reduce the term by (*indicate number of months*) 38 month(s).
- Increase the plan payment from \$4,212 to \$92,000 from (date) 4/2025 to (date) 4/2025.
- Reduce the plan payment from \$ to \$ from (date) to (date) .

7. Since the Order Confirming Plan or the last modification or suspension order was entered, the debtor's(s') circumstances have changed in the following respect:

See attached Declaration of Benjamin Heston.

File and serve amended schedules I and J (if appropriate) and supporting documentation concerning the basis for this motion including, but not limited to, proof of income.

8. If this motion is granted, the last plan payment due would be payable 22 months after the first plan payment was due.

9. If this motion is granted:

- There will be no change in the percentage paid to Class 5 general unsecured creditors,
OR
- The percentage paid to Class 5 general unsecured creditors will change from % to %.

Date: February 26, 2025

/s/Benjamin Heston

Benjamin Heston
Attorney for Debtors

1 **NEXUS BANKRUPTCY**
2 Benjamin Heston (297798)
3 3090 Bristol Street #400
Costa Mesa, CA 92626
4 Tel: 949.312.1377
Fax: 949.288.2054
ben@nexusbk.com

5 Attorney for Debtors

6 **UNITED STATES BANKRUPTCY COURT**

7 **CENTRAL DISTRICT OF CALIFORNIA**

8 **RIVERSIDE DIVISION**

9 In re:

10 **TODD DIEDRICH, and**

11 **ASHLEY ESQUIVEL,**

Case No: 6:23-bk-12440-RB

Chapter 13

DECLARATION OF BENJAMIN HESTON

15 I, Benjamin Heston, declare as follows:

16 1. I am the attorney for the Debtors. I have personal knowledge of all matters stated herein.

17 On all matters stated on information and belief, I believe those allegations to be true. I
18 could competently testify to the allegations contained herein.

19 2. The debtors have been struggling to meet their Chapter 13 plan payment obligations.

20 Around mid-2024, they determined that the best course of action to resolve their financial
21 situation would be to utilize their home equity to pay off their bankruptcy case early.

22 3. Over the course of several months, the debtors diligently pursued refinancing options to
achieve this goal. However, despite their best efforts, the refinancing attempts continually
23 fell through due to no fault of their own. The company handling the refinancing process
24 repeatedly failed to follow through on its commitments, necessitating the filing of two
separate motions for authority to refinance.

25 4. Ultimately, the refinancing company failed to provide the services they had promised,
leaving the debtors in a difficult position. More recently, the debtor's father facilitated an

1 arrangement for the sale of the property to an investor willing to pay market value
2 without contingencies.

3

4 5. Under the terms of the sale, escrow can close within 24 hours. As soon as the debtors
5 were able, we filed a Motion for Authority to Sell Real Property. This process was
6 initially delayed by several days due to the court's e-filing system being down. After the
7 motion was finally filed, there was an additional six-day delay caused by the Chapter 13
8 trustee not promptly posting their comments.

9 6. The motion to sell was granted on February 25, 2025. Once the order was entered, I
10 promptly provided it to the company facilitating the sale. According to the escrow
11 company, escrow is currently in the process of closing and should be completed within a
12 day or two.

13 7. Given these circumstances, we are requesting a modification of the Chapter 13 plan to
14 suspend payments for six months, followed by a full payoff of the case at a 100%
15 dividend to unsecured creditors in the seventh month. This modification is necessary to
16 allow the sale of the property to proceed, ensuring that creditors are paid in full.

17 8. I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct.

19 Date: February 26, 2025

/s/Benjamin Heston

Benjamin Heston

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**3090 Bristol Street #400
Costa Mesa, CA 92626**

A true and correct copy of the foregoing document entitled (*specify*): **MOTION UNDER LBR 3015-1(N) AND (W) TO MODIFY PLAN OR SUSPEND PLAN PAYMENTS** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 2/26/2025, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Kelli M Brown kelbrown@raslg.com
David Coats dacoats@raslg.com
Rod Danielson (TR) notice-efile@rodan13.com
Shannon A Doyle sdoyle@ghidottiberger.com
Michelle R Ghidotti bknotifications@ghidottiberger.com, gbadmin@ecf.courtdrive.com
Sheryl K Ith sith@cookseylaw.com
Kelly Lukason kelly.lukason@jcap.com
Noemi Padilla bknotifications@ghidottiberger.com, npadilla@ghidottiberger.com
Arvind Nath Rawal arawal@aisinfo.com
United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 2/26/2025 I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed (state method for each person or entity served):

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2/26/2025

Date

Benjamin Heston

Printed Name

/s/Benjamin Heston

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.